

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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D.W.M., a minor by Willie Moore,  
his father, and Ursula Moore, his mother,  
D.D.M., a minor by Willie Moore,  
his father, and Ursula Moore, his mother,  
and WILLIE MOORE and URSULA MOORE,

Plaintiffs,

-against-

ST. MARY SCHOOL, BIAGIO M.  
ARPINO, Principal of St. Mary School, and  
THE ROMAN CATHOLIC DIOCESE OF  
ROCKVILLE CENTRE, KERRI  
LECHTRECKER, individually and as the  
mother of L.M., an infant, MIKE JONES  
and CHRISTINE JONES, individually and  
as parents and natural guardians  
of M.J., an infant, and KRZYSZTOF MARS  
and DOROTA MARS, individually and as  
the parents and natural guardians of M.M.,  
an infant,

Defendants.

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**DEFENDANTS'  
NOTICE OF MOTION  
PURSUANT TO  
F.R.C.P. 12(b)**

Civil Action No.  
2:18-cv-03099 (DRH)  
(GRB)

**PLEASE TAKE NOTICE** that, upon documents submitted and referenced in the underlying motions; the Declaration of Christopher F. Mestecky dated October 1, 2018, the memorandum of law submitted herewith, and all prior pleadings and proceedings heretofore had herein, on the 9th day of November, 2018, attorneys for Defendants, M.J., by his parents and natural guardians, Michael Jones and Christine Jones, and Michael Jones and Christine Jones individually, will make application to Honorable Judge Denis R. Hurley of the United States District Court for the Eastern District of New York, at 100 Federal Plaza, Central Islip, NY 11722 for a motion pursuant to F.R.C.P. 12(b) and the Individual Rules of this Court dismissing the

Complaint for failure to state a claim for which relief can be granted, together with any other relief this Court deems just and appropriate.

**PLEASE TAKE FURTHER NOTICE** that opposition papers, if any, must be served upon the undersigned on or before October 29, 2018. Further, Defendants shall serve their replies, if any, and file all papers with the Court, including a courtesy copy for Chambers, on or before November 9, 2018.

Dated: Farmingdale, New York  
October 1, 2018

GUERCIO & GUERCIO, LLP

BY: \_\_\_\_\_/s/\_\_\_\_\_  
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